

Exhibit D

Selendy & Gay

Firm Résumé

Selendy
& Gay

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Executive Summary

Our partners have earned industry-leading reputations by winning high stakes matters in nearly every type of complex commercial litigation, arbitration, and investigation. We have represented clients across an array of practice areas, including: antitrust, appellate, arbitration, bankruptcy & insolvency, class actions, complex commercial disputes, consumer & healthcare products, corporate governance & shareholder rights, cryptocurrency, environmental, executive crisis management & employment, insurance, intellectual property, matrimonial, personal representations, private equity & hedge funds, public interest & pro bono, securities & structured finance, and white-collar litigation and investigations. Our practice is split between plaintiff and defense, and we are often asked to take on matters mid-stream, in highly challenging situations.

Unparalleled Victories

Our victories in litigation are unparalleled and unprecedented, and because our case load is roughly evenly split between plaintiff and defense work, we know how to deploy winning strategies on both sides of the “v” and anticipate our opponents’ moves. As plaintiffs, we have obtained over \$45 billion in recoveries, including several of the largest residential mortgage-backed securities (RMBS) recoveries in U.S. history, and we have pioneered claims, and even practice areas, that held institutional giants accountable. As defendants, we have obtained major dismissals of complex cases in federal and state courts across the country, won bet-the-company cases that threatened the existence of our clients’ businesses and business models, vindicated individuals in aggressive white-collar prosecutions, and counseled clients successfully in fast-moving investigations.

Selendy & Gay’s approach to litigating is always state-of-the-art, backed by extraordinary levels of analytical due diligence and a focus on trial-readiness that has been proven to yield optimal outcomes. We seek to establish an immediate advantage for our clients by narrowing the issues for trial, including through innovative approaches to discovery (such as through the use of statistical sampling in cases involving voluminous evidence) and targeted motions for partial summary judgment that can dismantle our opponent’s best defenses before trial even begins.

Selendy & Gay has represented clients in litigation, investigations and appeals brought by the SEC, the DOJ, the Commodities Futures Trading Commission (CFTC), the U.S. Department of the Treasury and its Office of Foreign Assets Control (OFAC), the IRS, the Financial Industry Regulatory Authority (FINRA), and a number of state Attorneys General. We also collaborate frequently with the DOJ, the U.S. Attorney’s Offices in New York, the New York State Attorney General’s Office, the New York Department of Financial Services, and the Manhattan District Attorney’s Office, among other prosecutors and agencies.

A New Paradigm

While Selendy & Gay opened its doors in 2018, we have decades of trial and appellate experience. Our attorneys have been recognized by top-tier publications and have received virtually every recognition awarded by the legal industry. We have gathered legal talent of the highest caliber at our firm—the smartest minds, the most agile courtroom lawyers, and the most creative strategists. Our firm is majority-owned by women; we balance plaintiff and defense work; we represent top companies, top individuals, the indigent, and public interest entities; and we have developed an unbiased approach to hiring, training, and promoting our exceptional attorneys. By re-thinking law firm structure, operations, and culture, we have crafted an environment that allows our lawyers to give their fullest devotion to client service and aligns our goals with client needs.

Commitment to Diversity, Equity & Inclusion

Many law firms are dedicated to diversity, equity and inclusion. Selendy & Gay goes beyond simply dedication; we constantly strive to ensure that people of all backgrounds feel a sense of belonging to the community we are creating together. In just two years, we have achieved a level of diversity among our attorneys that few firms can match. Half of our equity partners are women and over 15% of our attorneys are members of the LGBTQ community.

Our Representative Engagements

- **Federal Housing Finance Agency** in a one-month securities fraud trial in the Southern District of New York, in which plaintiff asserted claims under the 1933 Securities Act and the Blue Sky statutes of D.C. and Virginia based on statements made by Nomura and RBS in offering materials for residential mortgage-backed securities. After the presentation of over 40 witnesses including a dozen experts, FHFA won on all of its claims, obtaining over \$800 million for U.S. taxpayers from Nomura and RBS. The judgment was unanimously affirmed by the Second Circuit.
- **Federal Housing Finance Agency**, for over seven years in the Southern District of New York and District of Connecticut, as lead counsel across FHFA's entire platform of RMBS litigation, obtaining \$25 billion in settlements for U.S. taxpayers in residential mortgage-backed securities suits against Bank of America, Barclays, Citigroup, Credit Suisse, Countrywide, Deutsche Bank, First Horizon, Goldman Sachs, HSBC, JPMorgan, Merrill Lynch, RBS, and UBS.
- **A proposed class of cryptocurrency investors** alleging that the controllers of the cryptocurrency exchange Bitfinex falsely represented that their purportedly "stable" cryptocurrency Tether was backed by U.S. Dollars in order to control the price of Bitcoin and other cryptocurrencies in an elaborate market-manipulation scheme that cost investors hundreds of billions of dollars.
- **Crypto-asset investors**, in multiple class actions in the Southern District of New York against several of the world's major crypto-asset exchanges and digital token issuers who allegedly offered and sold billions of dollars of unregistered digital tokens and other financial instruments to investors in violation of federal and state securities laws.
- Ten public service workers, members of the **American Federation of Teachers union**, in a settlement of a proposed nationwide class action lawsuit with Navient, one of the nation's largest student loan servicers, challenging Navient's practices with respect to advising federal student loan borrowers on Public Service Loan Forgiveness (PSLF). We secured preliminary approval of a class settlement under which Navient agreed, among other things, to enhance its call center practices and to contribute \$1.75 million to a nonprofit organization that provides education and student loan counseling to public service borrowers.
- **American Federation of Teachers** and other investors, against most major money center banks (including Goldman Sachs, Merrill Lynch, Barclays, Citigroup, and others) in litigation arising from their dealings in the \$13 trillion U.S. Treasuries market and alleging violations of the Sherman Act based on collusion.
- **Cerberus Capital Management**, a leading private equity firm with more than \$40 billion under management, as plaintiff in a \$950 million breach of contract action against the Canadian Imperial Bank of Commerce, one of Canada's largest banks. The First Department agreed with Cerberus' interpretation of the agreements and held that CIBC's contrary interpretation was "unmoored" from the contracts. The case is now proceeding through discovery.
- **MBIA**, a monoline insurer, against Bank of America, Countrywide, and related entities in litigation in New York state court arising out of securitization insurance. We obtained a series of rulings including at summary judgment that set the basic framework for RMBS litigation nationwide, ultimately allowing MBIA to survive as a going concern and to achieve a multi-billion dollar settlement including the commutation of \$7.4 billion in swaps.
- **Altaba (formerly Yahoo Inc.)**, in defense of claims by BNY Mellon Trust in Delaware Chancery Court alleging that our client owed \$300 million under a convertible note agreement after the sale of Yahoo's operating business to Verizon. We succeeded in having the case dismissed with prejudice at the pleading stage.
- **U.S. Bank**, as trustee, in multiple actions, including:
 - Against Credit Suisse (DLJ) in a successful appeal to the New York Court of Appeals, establishing that plaintiffs are entitled to correct fatal errors regarding procedural conditions precedent even after the expiration of the applicable statute of limitations, and currently representing the trust in its ABSHE RMBS contract action against Credit Suisse (DLJ) and Ameriquest on remand, seeking hundreds of millions of dollars in damage.

- Against UBS Real Estate Securities, seeking recovery for losses suffered by three UBS-sponsored RMBS trusts for UBS's breaches of representations and warranties. The case was the first RMBS trustee put-back action to go to trial, and the settlement—an unprecedented \$850 million recovery—constitutes the largest recovery ever achieved in such a case. We worked closely with U.S. Bank as trustee to ensure the settlement was reasonable, and its reasonableness was subsequently confirmed in a Minnesota trust instruction proceeding.
- Against GreenPoint Mortgage Funding in New York Supreme Court, Commercial Division, obtaining a \$540 million settlement in breach-of-warranty suit over a defective RMBS.
- Against investment bank Merrill Lynch, regarding defective mortgages originated by ResMAE that were sold into two RMBS. The court ruled in our client's favor on all loan-level issues raised, including its motion to strike a loss-causation defense. This precedent-setting case proved that an ambiguous term in a contract was a guaranty, and that plaintiffs did not have to show that defects in mortgages caused a loss to assert a put-back claim.
- Against Credit Suisse (DLJ) in an RMBS put-back action seeking recovery of losses suffered by four RMBS trusts on the basis of Credit Suisse (DLJ)'s breaches of representations and warranties in four RMBS trusts, obtaining a favorable summary decision that allowed the case to proceed to trial.
- Against JPMorgan, as successor in interest to EMC and Bear Stearns, in two separate RMBS put-back actions seeking recovery of losses suffered by five RMBS trusts on the basis of defendants' breaches of representations and warranties, obtaining favorable settlements in both cases.
- **CIFG**, a family of financial guaranty companies, against Bear Stearns in a suit seeking to hold Bear Stearns (and JPMorgan, as its successor) accountable for both the RMBS and collateralized debt obligations it created and sold, contributing to the housing and global financial crisis of 2008.
- **Computershare**, as separate securities administrator of Natixis Real Estate Capital Trust 2007-HE2 Trust, in a putback action against Natixis Real Estate Capital Inc. This case represents the largest exposure for Natixis resulting from the mortgage crisis; the trust's losses total over \$500 million. The case has also made new law; in a matter of first impression, we obtained a ruling from New York's Appellate Division, First Department that a non-trustee could assert claims on behalf of a trust against Natixis as the trust sponsor.
- **AIG**, in Article 77 proceedings initiated by RMBS trustees over the distribution methodology in a \$8.5 billion settlement with Bank of America and a \$4.5 billion settlement with JPMorgan.
- **Kingate**, a hedge fund, in the defense of claims brought by Deutsche Bank Securities Inc. relating to DBSI's alleged purchase of more than \$1.6 billion of Kingate claims against the Madoff estate.
- **Crestview Partners**, a private equity firm, in a six-day trial in the Delaware Court of Chancery against billionaire William Koch to enforce the contractual right to conduct a sale of Koch's Oxbow Carbon LLC in which the fund had bought a minority interest. The court ruled in favor of our client, permitting the firm to cash out its \$150 million investment in the company.
- **Athilon Capital Corp.**, a financial services firm, in a trial victory in the Delaware Court of Chancery involving claims of breach of fiduciary duty, breach of contract, and fraudulent transfer claims that sought hundreds of millions of dollars in damages, as well as a court order which would have forced our client, the defendant, to liquidate its assets and close the business entirely. The press described this trial victory as a "resounding win" in a "literal bet-the-company case" that set precedent concerning the test for insolvency under Delaware law and that was affirmed by the Delaware Supreme Court.
- **Mudrick Capital**, an investment advisor, in a trial victory in the Delaware Court of Chancery, resulting from an action commenced under Section 220 of Delaware's General Corporation Law seeking corporate books and records to investigate an allegedly unfair merger. In an order adopting many of our factual allegations regarding the proposed merger, the defendant was ordered to produce e-mails from each of its CEO, the general counsel, and the chair of the special committee that had approved the merger. One day after the ruling, the defendant-company called off the challenged merger rather than face potential applications to enjoin the merger and breach of fiduciary claims—an extremely rare but favorable result for our client.
- **MassMutual**, one of the largest U.S. insurance companies, in a corporate governance suit arising out of its investment in Scottish Re. We achieved a full dismissal in the New York State Commercial Division of breach of fiduciary duty and waste claims asserted against shareholder clients, with the dismissal upheld on appeal.

- **A New York partnership**, in obtaining a landmark decision from the New York Court of Appeals that upheld the application of a series of valuation discounts in the case of a wrongful partnership dissolution. This decision ultimately set forth the standards for the dissolution of partnerships under New York law.
- **Directors of MSR Hotels & Resorts Inc.**, in a three-day hearing in the Southern District of New York Bankruptcy Court. We successfully represented defendant investment fund directors and executives against claims of breach of fiduciary duty. All claims were dismissed in their entirety.
- **Vista Equity Partners**, a San Francisco-based private equity fund, in shareholder litigation alleging breaches of fiduciary duty arising out of its acquisition of TIBCO Software, Inc. for approximately \$4.3 billion. Defeated preliminary injunction, permitting the deal to close, and then defeated all claims against Vista at the pleading stage.
- **Apax Partners**, a private equity firm:
 - In shareholder fiduciary duty litigation in Delaware Chancery Court arising out of its acquisition of the Trizetto Group. Settled after additional disclosures made in proxy statement.
 - In shareholder fiduciary duty litigation in Florida state court arising out its acquisition of Bankrate, Inc. Defeated preliminary injunction and later settled.
 - In shareholder fiduciary duty litigation, both pre- and post-closing, in California state court arising out of its acquisition of Epicor Software Corporation. Defeated preliminary injunction and settled shortly before trial.
- **Avista Capital Partners**, a private equity firm:
 - In shareholder fiduciary duty litigation in Georgia state court and Delaware Chancery Court arising out of its acquisition of Knology, Inc. by its wholly-owned subsidiary, WideOpenWest, Inc. Defeated preliminary injunction and cases voluntarily dismissed.
 - In shareholder fiduciary duty litigation in Illinois Chancery Court and Delaware Chancery Court arising out of the acquisition of Telular, Inc. Settled after additional disclosures made in proxy statement.
- **Golden Gate Capital and Blum Capital** in shareholder fiduciary duty litigation in Delaware Chancery Court arising out their acquisition of Collective Brands. Defeated preliminary injunction and case later dismissed voluntarily.
- **Greenbriar Equity Group LLC** in shareholder fiduciary duty litigation in Connecticut and Wisconsin state courts arising from its acquisition of EDAC Corp. Defeated preliminary injunction and case later dismissed voluntarily.
- **Lincolnshire Management Company**, a private equity firm, in shareholder derivative litigation initiated by a former limited partner in the Southern District of New York. Settled shortly before trial.
- **The former stockholders of the robotic medical devices company Auris Health**, in a \$2.3 billion dollar earn-out suit against Johnson & Johnson and its subsidiary Ethicon in the Delaware Court of Chancery, in an action centered around the acquiror's post-merger failures to achieve regulatory and net sales milestones.
- **An independent special committee of the board of the We Company (WeWork)** formed to review whether a previously constituted special committee should have the authority to continue a lawsuit against SoftBank seeking to enforce a \$3 billion Tender Offer. In 60 days, we conducted dozens of interviews of relevant senior executives, conducted document discovery, and issued a detailed report assessing important issues of corporate governance under Delaware law.

Our Practice Capabilities

Class Actions

In cases with billions of dollars on the line, Selendy & Gay's partners have achieved results for plaintiffs and defendants at every phase of the national class action process, in matters including antitrust, consumer disputes, insurance, intellectual property, privacy and data breaches, RICO, and securities fraud.

We have served as national trial and coordinating counsel for large companies facing serial class action litigation, whether filed in selected "hot" venues or as multi-district litigation (MDL). Our representation of both plaintiffs and defendants has helped us create outside-the-box strategies that go beyond typical class action practice. Our deep reservoir of trial skills creates momentum to the earliest possible resolution, and we understand the need for case strategies to serve our clients' business objectives of leveraging or protecting company assets.

Our successes include leveraging our relationships with the plaintiffs' bar to obtain stays of discovery or early dismissals; victories for plaintiffs and defendants at the class certification, Daubert, and summary judgment stages; prevailing at trial in liability and damages phases; and obtaining high-value settlements.

We frequently work in parallel with regulatory action, government investigations, or criminal prosecutions to effectuate truly comprehensive, cost-effective, and press-savvy resolutions.

Securities & Structured Finance

We have litigated to verdict or settlement many of the highest-stakes cases in the history of the field, establishing key precedents in securities law and winning landmark victories that include recoveries in excess of 100% of principal and market losses. Our recoveries for our clients total over \$35 billion. On the defense side, we frequently succeed in having claims dismissed early or in negotiating favorable resolutions for clients.

Our mastery in structured finance and related insurance matters includes mortgage-backed obligations, synthetic and asset-backed collateralized debt obligations, credit-default swaps, credit-linked notes, financial guaranty insurance, reinsurance, and other complex financial structures. #

Selendy & Gay's partners also have a track record of working closely with private equity and hedge funds, not only to overcome the recurring litigation risks that funds face across industry sectors, but also to capitalize on opportunities where litigation drives an investment's value. This expertise, combined with our proven trial skills, have resulted in successes in a broad array of matters involving insider trading, market timing, distressed investments, adversary proceedings in bankruptcy, claims of breach of fiduciary duty and self-dealing, PIPEs investing, and disputes of many types with the nation's largest banks and broker dealers, among others. We have also leveraged our experience and familiarity with major regulators in successfully representing investment funds, or executives of such funds, in proceedings conducted by the DOJ and the SEC.

Corporate Governance

Selendy & Gay's partners—who include a former clerk of the Delaware Court of Chancery, a former M&A attorney, and a former investment banker—have a demonstrated record of success in representing plaintiffs and defendants in high-value, high-profile corporate governance litigation, including disputes among members of alternative entities such as LLCs. We continuously display our high level of expertise within the field, and have been recognized for our work in Corporate Governance and Compliance Law in the 2019 Edition of "Best Law Firms" published by U.S. News & World Report.

Disputes of this nature are often fluid and fast-moving; our deep knowledge of the Delaware Code, applicable SEC rules and regulations, and caselaw allows us to provide real-time advice to our clients, craft long term-litigation strategies, and ultimately navigate successful outcomes.

Our Team



Sean Baldwin

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Sean Baldwin is an accomplished trial lawyer with particular expertise trying cases in New York courts, the Delaware Court of Chancery, and commercial arbitrations.

Sean has litigated and arbitrated matters involving complex financial products, securities, insurance, antitrust, and trademark licensing disputes. His clients include Fortune 500 life insurance companies, monoline insurers, hedge funds, investment companies, and casino developers and operators.

Sean has been recognized for his groundbreaking success in securities litigation and recoveries. He was recognized by *The American Lawyer* as a "Litigator of The Week" in 2018. In 2019, he was named a "Trailblazer in Plaintiff Litigation" by *The National Law Journal*, and a "Leading Lawyer in Plaintiff Securities Litigation" by *The Legal 500*.

Representative Matters

- *MASTR Adjustable Rate Mortgages Trust 2006-OA2 et al v. UBS*: In a one-month trial in the Southern District of New York, successfully represented plaintiff trustee in breach-of-warranty suit regarding three residential mortgage-backed securities (RMBS) trusts. See "UBS Handed Setback in \$2 Billion Mortgage Buy-Back Lawsuit," *Bloomberg*, 9/6/2016.
- *Vertin v. Quadrant*: In a one-week trial in Delaware Court of Chancery, successfully represented defendants against allegations of breach of fiduciary duty, breach of contract and fraudulent transfer. See *Am Law Litigation Daily*, 10/21/2015 ("Bet the company' litigation is a phrase we legal journalists like to use, but it's not often literally true. The stakes were actually that high, though, in a suit against Athilon Capital Corp. and its board of directors in Delaware Chancery Court."); "Del. High Court Affirms Athilon Win In Note Buyback Suit," *Law360*, 11/1/2016.
- *U.S. Bank, N.A, et al. v. GreenPoint Mortgage Funding*: In New York Supreme Court, Commercial Division, represented plaintiff in obtaining \$540 million settlement in breach-of-warranty suit over a defective RMBS trust.
- *Margaritaville v. Bossier Casino*: In a ten-day arbitration before three retired Delaware judges, represented casino developer and operator in defeating claim for \$200 million in trademark license fees and obtaining ruling that client could use trademark without further payments during the license term.
- *CIFG Assurance v. Goldman Sachs*: In a ten-day arbitration before FINRA, represented plaintiff insurance company in obtaining ruling defendant Goldman Sachs committed fraud in connection with a collateralized debt obligation and awarding substantial damages.

Sean earned law degrees, with honors, from the University of Canterbury and Oxford University. He is the co-editor of a securities law handbook for Law Business Research.



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Andrew R. Dunlap is a founding partner of Selendy & Gay.

Andrew is an experienced trial and appellate litigator who has been named a leading securities litigator by The Legal 500 and is ranked among the nation's "Leading Plaintiff Financial Lawyers" by Lawdragon.

He has successfully represented clients in securities, contract, healthcare, antitrust, mass tort, RICO, ERISA, and constitutional matters, among others. Andrew was a key member of the team that represented the Federal Housing Finance Agency, as conservator for Fannie Mae and Freddie Mac, in recovering \$25 billion from the world's leading banks over the sale of residential mortgage-backed securities (RMBS), including the trial team that obtained an \$800 million judgment from Nomura and RBS. In that litigation, Andrew obtained a summary judgment decision that banks did not act with reasonable care in creating the RMBS they sold to investors during the run-up to the financial crisis.

Representative Matters

- *Bank of New York Mellon v. CART1 Ltd et al.*: Represented CRC Credit Fund Ltd. against Deutsche Bank AG Frankfurt in a federal interpleader action asserted by Bank of New York Mellon in the District Court for the Southern District of New York.
- *Natixis 2007-HE2 v. Natixis Real Estate Capital Inc*: In a \$500 million breach-of-warranty action, represented plaintiff in obtaining a decision from New York's Appellate Division, First Department, in an issue of first impression that a non-trustee could assert claims on behalf of a trust against the trust sponsor.
- *MASTR Adjustable Rate Mortgages Trust 2006-OA2 et al v. UBS*: In a one-month trial in the Southern District of New York, represented plaintiff in breach-of-warranty suit regarding three residential mortgage-backed securities trusts.
- *U.S. Bank v. GreenPoint Mortgage Funding*: In New York Supreme Court, Commercial Division, represented plaintiff in obtaining \$540 million settlement in breach-of-warranty suit over defective residential mortgage-backed securities trust.
- *National Public Finance Guarantee Corp. v. UBS Financial Services Inc.*: Representing National Public Finance Guarantee and MBIA in a lawsuit to hold eight major Wall Street banks accountable for inequitable conduct that contributed to Puerto Rico's economic collapse. Plaintiffs in this case are bond insurers that have been presented with, and fully honored, over \$1 billion dollars in claims after the municipal debt underwritten by the banks— without proper due diligence or disclosures— became unsustainable for Puerto Rico and its agencies, leading to massive defaults.
- *Leibowitz et al. v. iFinex Inc. et al.*: Representing a putative class of cryptocurrency investors alleging that defendants falsely represented that tether, a purported "stablecoin," was fully backed by U.S. dollars as part of a market-manipulation scheme that inflated the price of Bitcoin and other cryptocurrencies, costing investors hundreds of billions of dollars.

In his public interest practice, Andrew successfully defended New York City charter schools against suits challenging their ability to co-locate in Department of Education school buildings and demanding they pay rent to the DOE, obtaining denials of preliminary injunctions in both instances. Andrew also successfully defended a consent

decree governing the delivery of medical services to Medicaid-eligible children in Tennessee in the U.S. Court of Appeals for the Fourth Circuit.

Affiliations & Community Involvement

Andrew earned his J.D., *magna cum laude*, from Georgetown Law School, where he published a note in the Georgetown Law Journal and was an editor of the American Criminal Law Review. He serves on the board of the National Center for Law and Economic Justice and is a barrister of the American Inn of Court.



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David Elsberg is a founding and Managing Partner of Selendy & Gay.

David is recognized by leading legal publications as among the nation's best trial lawyers. Chambers reports that David is "fabulously smart," "very creative, thoughtful and collaborative," and "fearless."

Law360 named him a Securities MVP, noting his "artful and measured cross-examination style and tireless attention to detail" and reporting that clients describe him as "aggressive, passionate, and a first-rate thinker" whose "ability to read people and think numerous questions ahead is uncanny."

The Legal 500 recognizes David as a leading commercial litigator, reporting that he is "highly regarded for his trial practice" and "displays particular strength in financial litigation, including major bankruptcy and securities cases."

David has also been named a "Litigation Star" by Benchmark Litigation, a "Plaintiffs' Lawyer Trailblazer" by the National Law Journal and one of the "500 Leading Lawyers in America" by Lawdragon.

The New York Law Journal also honored David with its "Distinguished Leader" award for "great performance while demonstrating clear leadership skills leading to positive outcomes."

Representative Matters

- *Fairfield Sentry Limited (in liquidation) et al.*: Currently representing foreign representatives of several funds in liquidation abroad in Chapter 15 proceedings in Bankruptcy Court for the Southern District of New York, and before the U.S. District Court on appeal, asserting foreign avoidance, common law, and breach of contract claims, seeking to recover about \$6 billion dollars in redemption payments from hundreds of entities arising out of the Madoff scheme.
- *UMB Bank as Trustee*: Currently representing Trustee under Contingent Value Rights ("CVR") Agreement in a lawsuit against Bristol Myers Squibb ("BMS") seeking \$6.4 billion arising from BMS's failure to pay out holders of CVRs that were issued in connection with BMS's acquisition of Celgene.
- *A major energy company*: Currently representing a major energy company in a confidential arbitration concerning acreage dedication commitments.
- *A major energy company*: The respondent in a confidential international arbitration victory in front of a AAA Panel that awarded claimant zero and dismissed with prejudice its claim against our client for hundreds of millions of dollars.
- *Crestview v. Koch*: In a six-day trial in the Delaware Court of Chancery, represented private equity fund Crestview Partners against Bill Koch in successfully enforcing the contractual right to conduct a sale of Oxbow Carbon, the company in which the private equity fund had bought a minority interest.
- *Quadrant v. Vertin*: In a one-week trial in the Delaware Court of Chancery, successfully represented defendants against allegations of breach of fiduciary duty, breach of contract, and fraudulent transfer. David also argued the appeal to the *en banc* Delaware Supreme Court which upheld the trial win.

- *MASTR Adjustable Rate Mortgages Trust 2006-OA2 et al v. UBS*: In a one-month trial in the Southern District of New York, successfully represented plaintiff in breach-of-warranty suit regarding three residential mortgage-backed securities trusts.
- *ResCap bankruptcy litigation*: Represented the ResCap Liquidating Trust in suits against dozens of loan originators for indemnity and breaches of contract arising from the sale of defective mortgage loans, achieving settlements of \$590 million.
- *Access vs. JPMorgan*: In a three-week trial in New York Supreme Court, successfully represented plaintiff in claim for breach of investment guidelines.
- *Five Mile Capital v. MSR Hotels*: In a three-day hearing in the Southern District of New York Bankruptcy Court, successfully represented defendant investment fund executives against claims of breach of fiduciary duty. All claims were dismissed in their entirety.
- *Rosen Capital v. Merrill Lynch*: In a two-week FINRA hearing, successfully represented claimant investment fund in seeking damages from improper margin call and breach of account agreements. The arbitration panel issued an award of about \$79 million, which was reported to be one of the largest investor arbitration awards on record.
- *Washington Mutual v. JPMorgan*: In one of the largest bankruptcies in history, represented the debtor against challenges to its confirmation plan in the District of Delaware Bankruptcy Court. The result, a \$6 billion settlement, represented a significant distribution for Washington Mutual's creditors.
- *A leading biotechnology company*, in successfully obtaining a judgment dismissing a complex patent infringement suit brought by a multinational pharmaceutical company that sought over \$500 million in damages.

Affiliations & Community Involvement

David earned his J.D., *magna cum laude*, from Harvard Law School, where he was an editor of the Harvard Law Review. He clerked for the Honorable Amalya Kearse on the U.S. Court of Appeals for the Second Circuit. He has taught as a guest lecturer on securities regulation at Harvard Law School. He has taught as a lecturer in law at Columbia Law School. He is on the Executive Board of The Calhoun School, an independent school in New York City.



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David Flugman is a seasoned litigator and counselor who has successfully represented clients in a wide array of matters in federal and state courts and arbitral panels across the United States and in cross-border litigations in Europe, South America, and the Caribbean.

David has been recognized as a “Trailblazer in Political Activism and First Amendment Rights” by the National Law Journal, named to Crain’s New York Business’s competitive “40 Under 40” list, honored as one of the “500 Leading Lawyers in America” by Lawdragon, and named one of the “Best LGBT Lawyers Under the Age of 40” by the LGBT Bar Association.

David’s clients span a broad range of industries and sectors, including private equity, hedge funds, consulting, telecommunications, insurance, food & beverage, pharmaceuticals, and retail. He has extensive experience handling insolvency, corporate, securities, complex commercial, and business tort disputes. He also speaks fluent Spanish and regularly counsels Spanish-speaking clients in their primary language.

Representative Matters

Bankruptcy and Insolvency

- Representing **Herald Fund SPC**, one of the largest “net loser” feeder fund victims of the Bernard L. Madoff Investment Securities Ponzi scheme. In the bankruptcy and district courts in New York, David led a group of similarly-situated funds in novel litigation on, among other things, application of safe harbor and good faith defenses, and the import of *Stern v. Marshall* in the Madoff clawback cases before negotiating a precedent-setting settlement with the Madoff Trustee resulting in an unencumbered allowed customer claim in excess of \$1.6 billion. Currently advising the fund’s Joint Official Liquidators on U.S. securities and insolvency issues in connection with ongoing court proceedings in the Cayman Islands and Luxembourg.
- Represented **McKinsey & Co.**, the world’s largest management consulting firm, in litigation brought by Mar-Bow Value Partners, LLC, an affiliate of Jay Alix, founder of AlixPartners LLP, to reopen the *Alpha Natural Resources* case in bankruptcy court in Richmond, Virginia. Defeated Alix’s attempt to pursue claims that McKinsey’s restructuring affiliate had committed a fraud on the court in connection with its service to the chapter 11 debtor.
- Represented **McKinsey & Co.** in a bench trial in bankruptcy court in Houston, Texas, in which Jay Alix, through Mar-Bow Value Partners, objected to the debtors’ application to retain McKinsey on the basis that McKinsey’s Bankruptcy Rule 2014 disclosures were noncompliant and that McKinsey was not disinterested. The case, *In re Westmoreland Coal Co., Inc.*, was dismissed after 8 days of trial testimony after McKinsey reached a comprehensive settlement regarding future bankruptcy disclosures with the U.S. Trustee.
- Represented **Nexstar Inc.**, the nation’s largest owner and operator of television stations, in litigation in the bankruptcy court in Houston, Texas involving breach of contract, fraudulent transfer, turnover, and fraud claims asserted by a former “sidecar” operator of 3 U.S. television stations. Successfully obtained dismissal of several fraud and contract-based claims and defeated summary judgment on the turnover claim, before settling both cases for a small fraction of the amount in dispute.

- Represented an **affiliate of Cigna Healthcare** in fraudulent transfer litigation brought by the Madoff Trustee in bankruptcy court in New York. Settled the case for approximately 1% of the amount in controversy.
- Represented **The Blackstone Group**, the former chapter 11 restructuring advisor to Winstar Communications, Inc., in defending against \$300 million in fraud claims brought by IDT Corp., who had acquired all of the debtor's assets in a Section 363 bankruptcy sale. After successfully removing the case from state court in New York and having it transferred back to the Delaware bankruptcy court which oversaw the Winstar bankruptcy, obtained a full dismissal of the suit on statute of limitations grounds and successfully defended the dismissal in the district court, the Third Circuit, and the U.S. Supreme Court.

David also counsels noteholders, liquidators, creditors, and equity insiders in connection with bankruptcy proceedings and U.S. aspects of foreign insolvency proceedings.

Corporate and Securities Litigation

- Represented **Team Health Holdings** in appraisal litigation in Delaware Chancery Court following the company's acquisition by the Blackstone Group for \$6.1 billion, successfully settling the case at the close of discovery.
- Represented **Chobani**, the yogurt manufacturer, **and its founder and CEO Hamdi Ulukaya**, in purported shareholder derivative litigation in the Commercial Division of the New York Supreme Court. After successfully obtaining bifurcation on the threshold issue of plaintiff's status as a shareholder, achieved successful settlement at the close of discovery.
- Represented **Idearc, Inc.** in ERISA breach of fiduciary duty litigation in district court in Dallas, Texas and the Fifth Circuit brought by retirement plan participants who chose to invest in company stock. Obtained dismissal at motion to dismiss stage.
- Represented **Herald Fund SPC** and its then-directors in securities and breach of fiduciary duty litigation brought by foreign investors arising from losses in the Madoff Ponzi scheme. Obtained dismissal at motion to dismiss stage of all claims on basis of *forum non conveniens* in the district court in New York, and successfully defended the dismissal in the Second Circuit.

David also has extensive experience litigating and counseling clients about all manner of corporate matters including M&A shareholder cases, corporate governance disputes, and Section 220 books & records demands. He has represented private equity firms including ABRY Partners, Apax Partners, Vista Equity Partners, Greenbriar Equity Partners, Avista Capital Partners, and the Blackstone Group, and publicly-traded companies such as Bristol-Myers Squibb, in corporate matters within and outside Delaware.

Complex Commercial and Business Disputes

- Defending **McKinsey & Co.** against a civil RICO lawsuit brought by Jay Alix in the Southern District of New York alleging \$300 million in damages arising from alleged noncompliant bankruptcy disclosures. Obtained full dismissal on a motion to dismiss with an appeal currently pending in the Second Circuit.
- Representing Daniel Yarur Elsaca, **former Superintendent of the Chilean equivalent of the Securities & Exchange Commission**, in active litigation in the Southern District of New York involving RICO and quantum meruit claims, and

counseling the client in connection with litigation in Chile and the British Virgin Islands.

- Defended **Lincoln National Life Insurance Co.** against ERISA breach of fiduciary duty claims relating to the company's use of retained asset accounts to pay death benefits. Obtained full dismissal at summary judgment in the Eastern District of Pennsylvania, a result affirmed by the Third Circuit.
- Represented **AOL** in defending \$650 million in claims under the Electronic Communications Privacy Act in two cases—one in the Northern District of California and one in the Eastern District of Virginia—arising from what was then referred to as the “Exxon Valdez” of data breaches. Secured dismissal of the California lawsuit and settled the Virginia lawsuit for pennies on the dollar.
- Represented a **telecommunications giant** in the International Trade Commission in offensive and defensive patent infringement litigation involving smartphones against a European standard essential patentholder. Tried both cases and settled on favorable terms before a decision was rendered.
- Counseled a **multinational corporation's Latin American affiliate** regarding potential trade secret claims against a regional retail chain before reaching an amicable settlement.
- Defended **Israel Corporation**, the largest holding company in Israel, against breach of contract and misappropriation of trade secret claims in the Southern District of New York arising from a purported joint venture agreement with an affiliate of Malcolm Bricklin, the developer of the Yugo automobile. Obtained dismissal at summary judgment on personal jurisdiction grounds.

Public Interest Work

David maintains an active public interest practice focused on the advancement of LGBTQ rights and the protection of persons with mental disabilities. His recent work includes:

- Successfully representing Garden State Equality, the largest civil rights organization in New Jersey, in defending New Jersey's ban on so-called “conversion therapy” from First Amendment challenge. After obtaining summary judgment in the District of New Jersey, David argued the case in the Third Circuit, obtaining a unanimous panel decision affirming the law, which remains on the books.
- Representing the Florida Chapter of the American Psychological Association and the Florida Chapter of the American Academy of Pediatrics as *amici curiae* in *Ex v. Ex*, defending the bans on “conversion therapy” enacted by the City of Boca Raton and Palm Beach County, Florida.
- Represented a class of psychiatric emergency room and in-patients at Kings County Hospital Center, the largest publicly-run hospital in Brooklyn, in civil rights litigation challenging the conditions of care. Obtained, along with the Department of Justice, a precedent-setting consent judgment entered by the Eastern District of New York setting new standards that transformed the hospital's psychiatric services.
- Representing Professors Ira Lupu, Frederick Mark Geddis, Robert Tuttle, and William Marshall as *amici curiae* in *Fulton v. City of Philadelphia*—a major Free Exercise case pending before the U.S. Supreme Court urging the court to reject

Catholic Charities' challenge to Philadelphia's nondiscrimination policy in contracting for foster care services and reaffirm the decades-old rule applicable to Free Exercise constitutional claims.

- Represented a server at the iconic Central Park Boathouse Restaurant in sexual harassment and labor litigation that ended in a confidential settlement.

Education & Community Involvement

David obtained his B.A. with distinction in history and music, ~~p d j q d # x g h~~ from Yale University. He received his J.D., ~~exp # d x g h~~ from Harvard Law School.

David helms Selendy & Gay's diversity, inclusion, and equity efforts and is a frequent contributor to publications on diversity, with a particular focus on LGBTQ rights issues, including "conversion therapy" and the intersection of civil rights and religious liberty. He has spoken on these topics at Harvard, the University of Pennsylvania, and Brooklyn Law Schools.

David is a member of the Judiciary Committee of the Lesbian & Gay Bar Association of Greater New York and the National Leadership Council of the National Center for Lesbian Rights. He also serves as Advisor to the Development Committee of the Glimmerglass Festival and as a board member of the Yale Spizzwinks Alumni Association, the nation's oldest underclassmen collegiate a cappella singing group.



Faith Gay

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Faith Gay is a founding partner at Selendy & Gay.

In a nationally recognized career spanning more than three decades, Faith has been lead counsel in over 35 jury trials and has successfully navigated bet-the-company crises and investigations for scores of Fortune 500 companies. Before founding Selendy & Gay, Faith was co-chair of national trial practice at one of the country's top litigation firms and a highly respected federal prosecutor. Raised in rural Georgia and a long-time resident of New York City, Faith is comfortable in courtrooms around the country.

Faith was recently named a "Litigation Trailblazer" by the National Law Journal, is a three-time recipient of Crain's "100 Notable Women in Law" award, and the Office of the Appellate Defender presented Faith with the prestigious Gould Award for Outstanding Appellate Advocacy in 2019. She is highly rated by Chambers (in Commercial Litigation, Government Investigations and White-Collar matters), and is a long-time recipient of top litigation awards including the Lawdragon 500, Benchmark's "Litigation Stars," Super Lawyers, and many others.

Chambers lists Faith as one of the country's top litigators, citing "significant praise for her work in high-stakes litigation covering commercial claims, white-collar issues and matters of constitutional law." Clients have touted her "extraordinary feel for litigation," saying: "I've never met a lawyer like her; she combines so many talents in a single human body. She's incredibly responsive, unbelievably insightful, and her advice is always sound."

In naming her a "Top Female Trial Lawyer," Law360 described Faith as "a great litigator" with "a kind of magnetic charisma, a likeability and intelligence that allow her to present complicated cases in a way that disarms tough judges, hostile witnesses, and skeptical jury members."

Faith is a former chief of the Civil Rights Unit (Criminal Division) and deputy chief of the Special Prosecutions Unit in the United States Attorney's Office for the Eastern District of New York. With deep experience in plaintiff and defense matters, she divides her time between complex civil litigation, corporate governance, and white-collar and regulatory investigations.

In her commercial practice, she focuses on complex contractual and financial instrument disputes, securities, antitrust and bankruptcy litigation, intellectual property disputes, and consumer class actions. She also has extensive experience in Board and Special Committee assignments, representation of C-Suite executives and high net worth individuals in corporate and family law matters, and, first and foremost, in resolving litigation that is seriously compromised and requires emergency re-shaping. Her long roster of high-profile clients that she has served as national or lead trial counsel includes the American Federation of Teachers, Bausch, Bridgewater, Coca-Cola, Colgate, Domtar, Edge & Node, E-Trade, Home Depot, MacAndrews & Forbes, McKinsey & Company, Novartis, Nuance, Pfizer, Regeneron, Revlon, Sandoz and Schwab.

In her white-collar practice, Faith has represented individuals and corporations in investigations by the SEC, FINRA, DOJ, FDA, IRS, EPA, DOD, and numerous state attorneys general. She has led internal investigations at the request of corporations, boards of directors, and special committees. No individual or corporation that Faith has represented while under investigation has been indicted, pleaded guilty or forced to accept deferred prosecution.

Representative Matters

- In a three-week trial in the Delaware Court of Chancery on fraud and breach of contract claims, obtained a complete defense verdict for a national communications conglomerate.
- Represented a global management consulting firm in defending RICO and bankruptcy fraud claims in the Southern District of New York, the Southern District of Texas, the Eastern District of Virginia, and the District of Delaware. All but one case was dismissed.
- Represented CEO and founder of a national non-profit unjustly terminated from the organization she founded, and obtained reparations for her mistreatment.
- Represented a series of high-profile female executives whose positions have been wrongly threatened in litigation. None of these claims have been successful.
- Obtained settlement of a nationwide class action on behalf of student loan borrowers against one of the country's largest student loan servicers. In approving the settlement, the presiding judge wrote, "the class has achieved a significant benefit" which will "have a profound impact on all public service employees."
- In multiple Alien Tort Claims Act cases filed in New York and Florida federal courts, obtained complete dismissals for a Fortune 500 consumer products company.
- In state and federal securities class actions concerning payment-for-order flow allegations, obtained complete dismissals for a nationally-known discount brokerage concern.
- Represented a biotechnology company in obtaining dismissal of a patent infringement suit brought by a multinational pharmaceutical company that sought over \$500 million in damages.
- Representing high net worth individuals in matrimonial actions involving cutting edge legal issues in connection with prenuptial agreements and asset division.
- In FCPA investigations by the Department of Justice and SEC, obtained complete declinations for a Fortune 500 consumer conglomerate and related individuals.
- In defending a Fortune 500 consumer products company, obtained a key appellate ruling from an *en banc* panel of the Fourth Circuit that federal judges may vacate otherwise unappealable remand orders where there is evidence of attorney fraud associated with the remand.

Faith has also devoted significant time and energy to public interest litigation. She recently obtained a complete reversal of Marissa Alexander's conviction and mandatory 20-year sentence for allegedly firing a warning shot at her serially abusive spouse. She co-founded the American Immigration Representation Project to provide lawyers to immigrant detainees in response to new federal immigration and deportation policies. Faith also represented New York Governor David Patterson in a victory the New York Times called "stunning" in upholding the appointment of Richard Ravitch as Lieutenant Governor. She has litigated numerous other civil rights, criminal, immigration and voting rights matters on a pro bono basis.

Affiliations & Community Involvement

Faith earned her J.D. from the Northwestern University School of Law, where she serves on the Law Board and the Law Dean Search Committee. She is a Trustee of the Public Theater, a Member of the American Law Institute, serves as a board member of the American Constitution Society, Campaign Legal Center, the Clark Foundation, and Union Theological Seminary.



Maria Ginzburg

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Maria Ginzburg is an experienced litigator who focuses on complex commercial and financial disputes. She has recovered nearly \$3 billion for her clients in residential mortgage-backed securities (RMBS)-related actions.

Maria also represents clients in connection with CLOs, CDOs, swaps and other structured products. She has successfully litigated cases involving fraudulent conveyance, insider trading, accounting and tax practices, short selling, Ponzi schemes, suitability disputes, whistleblower actions, corporate governance, and employment matters. Maria also handles internal investigations and represents corporate boards and special committees.

Lawdragon lists Maria among the “500 Leading Lawyers in America” and the nation’s “Leading Plaintiff Financial Lawyers.” She is also recognized as one of New York’s “Super Lawyers” in business litigation.

Representative Matters

- *Alix v. McKinsey & Co.*: Representing McKinsey & Co., a worldwide management consulting firm, against claims by Jay Alix, founder of consulting firm AlixPartners, and Mar-Bow Partners, a company founded by Jay Alix, challenging McKinsey’s Chapter 11 disclosures under Rule 2014.
- *UMB Bank as Trustee*: Currently representing Trustee under Contingent Value Rights (“CVR”) Agreement in a lawsuit against Bristol Myers Squibb (“BMS”) seeking \$6.4 billion arising from BMS’s failure to pay out holders of CVRs that were issued in connection with BMS’s acquisition of Celgene.
- *Fairfield Sentry Limited (in liquidation) et al.*: Currently representing foreign representatives of several funds in liquidation abroad in Chapter 15 proceedings in Bankruptcy Court for the Southern District of New York, and before the U.S. District Court on appeal, asserting foreign avoidance, common law, and breach of contract claims, seeking to recover about \$6 billion dollars in redemption payments from hundreds of entities arising out of the Madoff scheme.
- *Bank of New York Mellon v. CART1 Ltd et al.*: Representing CRC Credit Fund Ltd. against Deutsche Bank AG Frankfurt in a federal interpleader action asserted by Bank of New York Mellon in the Southern District of New York arising from Deutsche Bank’s inclusion of ineligible collateral in a synthetic CLO.
- *U.S. Bank v. Merrill Lynch Mortgage Lending Inc.*: Representing U.S. Bank as trustee in seeking recovery for Merrill Lynch’s breaches of representations and warranties.
- *AIG v. RMBS Issuers*: Represented AIG in claims against Wall Street sponsors of RMBS, achieving over \$2 billion in recoveries.
- *ResCap bankruptcy litigation*: Represented the ResCap bankruptcy trust in suits against dozens of loan originators for indemnity and breaches of contract, achieving settlements of \$590 million.
- *In re Capmark Financial Group Inc.*: Represented an ad hoc committee of secured creditors in defending a successful challenge to the estate’s settlement of claims based on intra-creditor fraudulent transfer allegations.
- *Accounting investigation*: Represented a Fortune 500 company in a company-wide SEC investigation focused on issues of accounting and earnings management.

In her public interest practice, Maria represented a proposed class of student loan borrowers against Navient Corp., one of the nation's largest student loan servicers, that made a myriad of misrepresentations to steer public servants away from federal loan forgiveness plans for which they qualify. She has also represented a foundation that benefits elementary schools in uncovering a Ponzi scheme run as a hedge fund; the principal was arrested, his assets were seized, and he is now serving jail time. She counseled a prominent private school and synagogue in assessing its investments in a Madoff feeder fund. Maria has investigated and revamped corporate governance structures at both non-profits and public companies.

Affiliations & Community Involvement

Maria earned her J.D. with honors from Stanford University in 1996, where she was an editor of the Stanford Law Review and a founding member of the Stanford Journal of Law, Business & Finance. She serves on the board of the Ronald McDonald House of New York.



Jordan Goldstein

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Jordan Goldstein is a veteran litigator who specializes in complex financial products and commercial transactions.

Jordan holds an M.B.A. from Harvard Business School and previously worked as a deal attorney, where he structured many of the same types of transactions he now litigates. Jordan is also a former federal prosecutor and served in senior roles in the U.S. Department of Justice, including in the Office of Legal Counsel and as special counsel to the assistant attorney general of the National Security Division.

Admitted to practice in both New York and Florida, Jordan has a strong focus on litigating investor and consumer claims. He has represented clients adverse to virtually every major investment bank regarding a range of financial products, including mortgage-backed securities, collateralized debt obligations, auction-rate securities, credit default swaps, municipal bonds, and insurance policies on financial instruments. He has litigated and appeared in numerous proceedings on behalf of bondholders in which bond payout provisions are in dispute, has litigated hostile takeovers, has been appointed class action counsel in major antitrust litigation, and has defended borrowers in commercial lending transactions. Jordan has helped his clients recover over \$25 billion.

Representative Matters

- *Federal Housing Finance Agency v. Nomura, et al.*: Served as trial counsel in a one-month trial in the Southern District of New York, in which the Federal Housing Finance Agency obtained an \$800 million judgment, as well as attorneys' fees, from Nomura and RBS based on findings the investment banks had made false statements to Fannie Mae and Freddie Mac in offering materials for residential mortgage-backed securities (RMBS).
- *Other Federal Housing Finance Agency litigations*: In Southern District of New York, District of Connecticut, and Central District of California, represented the Federal Housing Finance Agency in obtaining \$25 billion in settlements from Bank of America, Barclays, Citigroup, Credit Suisse, Countrywide, Deutsche Bank, First Horizon, Goldman Sachs, HSBC, JPMorgan, Merrill Lynch, RBS, and UBS, an amount far in excess of what prosecutors and regulators had obtained.
- *Mudrick Capital Management, L.P. v. Globalstar, Inc.*: At trial in the Delaware Court of Chancery, represented plaintiff seeking defendant's books and records, including e-mails, pursuant to Section 220 of Delaware's General Corporation Law to investigate an allegedly unfair merger initiated by defendant's controlling shareholder. In an order adopting many of our factual allegations regarding the proposed merger, the defendant was ordered to produce corporate books and records, including e-mails, from each of defendant's CEO., the general counsel, and the chair of the special committee that had approved the merger. One day after this ruling, the challenged merger was called off.
- *Frontline, Ltd. v. DHT Holdings, Inc.*: In parallel proceedings in New York and the Marshall Islands, represented Frontline in its attempted takeover of DHT Holdings. Frontline sought to force DHT's board of directors, based on their Revlon and Unocal duties, to redeem a poison pill and remove other entrenchment measures that the DHT board had allegedly enacted to deter bidders.
- *Assured Guaranty Municipal Corp. v. JPMorgan Chase Bank; Syncora Guarantee Inc. v. Jefferson County, Ala.*: In New York Supreme Court, defeated motions to dismiss claims of two monoline insurers against JPMorgan and Jefferson County, Alabama in

suits alleging fraud in connection with the procurement of municipal bond insurance and seeking hundreds of millions in damages for past and future claims payments.

- *Kearny Investors S.A.R.L. v. Goldman Sachs & Co.*: In Southern District of New York, represented multiple KKR funds against Goldman Sachs and other investment banks based on alleged violations of federal and state securities laws arising from the issuance of SunEdison securities.
- *Article 77 Proceedings re Countrywide and JPMorgan Settlements*: In New York Supreme Court, represented investor AIG in proceedings initiated by RMBS trustees over the distribution methodology of \$8.5 billion settlement with Bank of America and \$4.5 billion settlement with JPMorgan.
- *MBIA Ins. Corp. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*: In New York Supreme Court, represented monoline insurer MBIA in obtaining confidential settlement in multi-billion-dollar action concerning credit default swaps and financial guaranties written by Merrill Lynch on CDOs.
- *SemGroup adversary proceedings*: In Delaware Bankruptcy Court, represented the SemGroup Litigation Trust, instituted following SemGroup's bankruptcy, in obtaining confidential settlement of claims against entities and individuals who allegedly orchestrated fraudulent transfers and breaches of fiduciary duties.
- *In re Treasuries Securities Auction antitrust litigation*: In Southern District of New York, served as co-lead class action counsel in suit alleging violations of Sherman Antitrust Act based on collusion by Goldman Sachs, JPMorgan, Bank of America and market participants in the \$14 trillion primary and secondary markets for U.S. Treasury.
- *The CEO of a prominent company in an employment dispute*. Obtained a seven-figure settlement without having to initiate litigation.
- *Crypto-asset investors*: In 12 class actions in the Southern District of New York against four of the world's major crypto-asset exchanges and seven digital token issuers who allegedly offered and sold billions of dollars of unregistered digital tokens and other financial instruments to investors in violation of federal and state law.

Jordan earned his J.D., *magna cum laude*, from Harvard Law School and his M.B.A. with honors from Harvard Business School. He clerked for the Honorable Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit. Jordan subsequently served in the U.S. Department of Justice, first in the Office of Legal Counsel, advising on a range of sensitive criminal and civil matters, and then as Special Counsel to the Assistant Attorney General of the National Security Division, supervising and acting as trial and appellate counsel in multiple high-profile trials and proceedings.

Affiliations & Community Involvement

Jordan serves on the Brooklyn Botanical Garden's board of trustees, is a member of the New York City Bar's Litigation Funding Working Group, and the chair of its disclosure subcommittee.



Caitlin Halligan

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One of the nation's leading appellate attorneys, Caitlin J. Halligan has argued six cases and served as counsel of record in more than 45 matters in the U.S. Supreme Court, and has handled scores of cases in the federal appellate courts, the New York Court of Appeals, and other state appellate courts. She has been praised for her "impressive track record" by Chambers USA, named one of the "Top 250 Women in Litigation" by Benchmark Litigation, and recognized as one of Crain's "100 Notable Women in Law."

Caitlin served as solicitor general for the State of New York from 2001 to 2007, after serving as deputy solicitor general. Before that she served as the first chief of the New York attorney general's Internet Bureau, where she developed cutting-edge law enforcement and policy initiatives regarding online consumer fraud, securities trading, and privacy practices. Caitlin also served as general counsel to the New York County District Attorney's Office. She currently teaches a seminar on states and public law as a lecturer on law at Harvard Law School, and previously taught a course on statutory interpretation and administrative law at Columbia Law School. She speaks frequently on topics that include appellate advocacy, the Supreme Court's docket, and the impact of litigation brought by state attorney general offices.

Representative Matters

- Won landmark decision from New York Court of Appeals in *Congel v. Malfitano*, which set forth standards for dissolution of partnerships under New York law.
- Led coalition of former judges and prosecutors in filing amicus curiae brief in *People v. Boone*, in which the New York Court of Appeals addressed the reliability of cross-racial eyewitness identifications in criminal cases.
- Argued *en banc* appeal before U.S. Court of Appeals for Second Circuit in *Poventud v. City of New York*, which raised complex procedural questions about collateral attacks on the finality of criminal convictions.
- Secured reversal from U.S. Supreme Court for New York State in *City of Sherrill v. Oneida Indian Nation*, in which the Court clarified state and local government authority over lands once within boundaries of the tribal reservation.
- Won precedent-setting victory for New York counties in *United Haulers Association v. Oneida-Herkimer Solid Waste Management Authority*, which established the authority of local governments to enact and implement solid waste ordinances in the face of the dormant Commerce Clause.
- Successfully represented life settlement investor Lavastone, an AIG affiliate, in \$1 billion RICO, fraud, and breach of contract case against defendants who purchased life insurance policies and sold them to Lavastone at inflated prices. Won dismissal of defendants' counter-claims at summary judgment; trial resulted in favorable settlement.
- Successfully represented Chevron Corporation in appeal of RICO and civil fraud trial barring enforcement of a fraudulently-obtained \$9 billion judgment against Chevron.
- Authored numerous *amicus* briefs before the U.S. Supreme Court on a range of constitutional, statutory, and procedural issues, on behalf of diverse groups, including state attorneys general, local government officials, and private sector clients.

Caitlin has expertise in a broad variety of civil matters, including challenges to federal and state regulatory action, civil procedure, federal anti-discrimination law, RICO and securities litigation. She has represented clients in high-stakes cases brought by the New York State Attorney General's Office, and litigated numerous challenges to state and local government actions on constitutional, statutory, and administrative law grounds. During her tenure in the Manhattan District Attorney's Office, Caitlin was involved in a wide range of criminal investigations and prosecutions, including the successful defense of a Fourth Amendment criminal procedure case in the U.S. Supreme Court. She has argued scores of civil and criminal cases for private sector clients, as well as New York state and local governments, before New York's high court and the State intermediate appellate courts, on a wide range of constitutional, statutory, and procedural issues.

Caitlin also has an active public interest practice. In 2018, she was appointed *amicus curiae* by the U.S. Court of Appeals for the Second Circuit in *Schroete v. Barr*, to brief and argue issues related to scope of immigration judge's authority in removal proceedings. Caitlin also recently authored an *amicus* brief in the New York Court of Appeals regarding use of eyewitness identification evidence, on behalf of former judges and prosecutors, as well as *amicus* briefs in a death penalty case before the U.S. Supreme Court, a reproductive rights case before the Eighth Circuit, and a case regarding liability of military service academies for sexual assault committed on campus before the Second Circuit. Caitlin previously served as pro bono counsel to the Board of the Lower Manhattan Development Corporation, an entity charged with leading re-development of the World Trade Center site, and on several judicial selection committees.

Affiliations & Community Involvement

Caitlin earned her J.D., *magna cum laude*, from the Georgetown University Law Center, and her B.A., *cum laude*, from Princeton University. She clerked for the Honorable Justice Stephen Breyer of the U.S. Supreme Court and the Honorable Patricia Wald of the U.S. Court of Appeals for the D.C. Circuit. Caitlin is a member of the American Law Institute and a fellow of the American Academy of Appellate Lawyers. She serves on the board of Princeton-in-Asia, the Arc's Criminal Justice Advisory Panel, and the New York County District Attorney's Conviction Integrity Committee.



Lena Konanova

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Yelena (“Lena”) Konanova is a trial and appellate litigator who has worked on many trial and arbitration teams and has briefed and argued numerous appeals in federal and state courts. She heads the Firm’s recruiting and training programs

She is noted for her expertise in complex commercial litigation by The Legal 500, recognized as a “Plaintiffs’ Lawyer Trailblazer” by the National Law Journal, and named a “Rising Star” in consumer protection by Law360.

Lena has represented clients in a variety of complex commercial litigations and arbitrations in the areas of securities, contract, antitrust, insurance, trademark, and constitutional law. She has counseled numerous Fortune 500 companies on the prosecution and defense of high-stakes disputes, represented important players in the clean energy industry in proceedings against governmental and competitor entities, litigated complex financial products (including asset-backed securities and insurance), and advised plaintiffs on the recovery of billions of dollars in commercial matters. She was a key member of the appellate team that represented the Federal Housing Finance Agency in successfully defending an \$806 million judgment against Nomura and RBS in a landmark residential mortgage-backed securities (RMBS) litigation.

Representative Matters

- *Fairfield Sentry Limited (in liquidation)*: Representing foreign representatives of a fund in proceedings in bankruptcy court and the U.S. District Court for the Southern District of New York seeking to recover billions of dollars in redemption payments from hundreds of entities.
- *Student Debt Litigation*: Representing a labor union and public service workers in litigation concerning a federal student loan forgiveness program, including in a class action lawsuit in the Southern District of New York against a servicer that misled borrowers and in the District of Columbia against the federal agency tasked with administering the program.
- *National Public Finance Guarantee Corp.*: Representing National Public Finance Guarantee and MBIA in a lawsuit to hold eight major Wall Street banks accountable for inequitable conduct that contributed to Puerto Rico’s economic collapse. Plaintiffs in this case are bond insurers that have been presented with, and fully honored, over \$1 billion dollars in claims after the municipal debt underwritten by the banks—without proper due diligence or disclosures—became unsustainable for Puerto Rico and its agencies, leading to massive defaults.
- *U.S. Bank*: Handling a successful appeal to the Court of Appeals on behalf of U.S. Bank, as trustee of a RMBS trust, establishing that plaintiffs are entitled to correct fatal errors regarding procedural conditions precedent even after the expiration of statutes of limitations, and representing the trust in its RMBS contract action on remand, seeking hundreds of millions of dollars in damages.
- *Federal Housing Finance Agency v. Nomura, et al.*: Representing the Federal Housing Finance Agency in successfully defending before the Second Circuit a \$806 million judgment against Nomura and RBS in a landmark RMBS litigation raising claims of violations of the 1933 Securities Act and Blue Sky statutes.
- *In re ResCap Liquidating Trust*: In numerous lawsuits in federal district court in Minnesota and bankruptcy court in the Southern District of New York, representing plaintiff seeking to recover billions of dollars in indemnity and damages from correspondent lenders arising from the defendant lenders’ sale of defective mortgage

loans that resulted in substantial losses and liabilities for the Trust's predecessor, the Residential Funding Company.

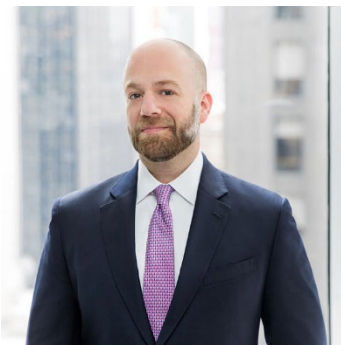
- *CIFG (now Assured Guaranty) v. Goldman*: In litigation in the Commercial Division of New York Supreme Court and in FINRA arbitration, representing an insurer against Goldman Sachs in a successful action relating to fraudulent inducement of insurance policy and investment relating to a collateralized debt obligation.

Affiliations & Community Involvement

In her broad public interest and pro bono practice, Lena has authored numerous *amicus* briefs, including arguing for a federal constitutional right to a minimally adequate education and, in the Supreme Court of the United States, on behalf of corrections professionals opposed to solitary confinement practices. She has also represented plaintiffs in appeals of Section 1983 and sentencing matters. Lena has also spent a year as a litigation fellow in the Racial Justice Program at the national office of the American Civil Liberties Union, where she litigated civil rights cases in the areas of indigent defense, school desegregation, school-to-prison pipeline, and debtors' prisons. Lena's community service on the local level includes raising funds for Her Justice, a nonprofit organization that provides free legal help to women and children living in poverty in New York City.

Lena earned her J.D., *cum laude*, from Harvard Law School, where she served as articles co-chair of the Harvard Law Review and won first place and Best Brief in the Ames Moot Court Competition. Lena clerked for the Honorable Kim McLane Wardlaw at the United States Court of Appeals for the Ninth Circuit.

Lena is a Senior Advisory Board member of the Health Finance Institute, a nonprofit working to catalyze financing for the prevention of non-communicable diseases. On the local level, she has worked to raise funds for Her Justice, an organization that provides free legal help to women and children living in poverty in New York City.



Joshua Margolin

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Joshua Margolin is a seasoned litigator with experience in a wide array of [complex commercial](#) and financial disputes.

Named a "Plaintiffs' Lawyer Trailblazer" by The National Law Journal and a "Rising Star" by Benchmark Litigation and Super Lawyers, Joshua has litigated, arbitrated and mediated matters involving complex financial products, [securities](#) fraud, [corporate governance](#), mergers, natural resources, real estate, insurance, contracts and employment. He has successfully argued before trial and appellate courts, and has extensive experience achieving favorable results through mediation and in guiding his clients, including companies and individuals, through investigations.

Joshua is chair of the energy storage steering committee for the Solar Energy Industries Association. He is frequently called upon to provide legal commentary on emerging issues and key legal decisions across a variety of industries and practice areas for the Wall Street Journal, Reorg, Bloomberg and other financial publications.

Joshua also maintains an active public interest practice. His efforts to safeguard voting rights were recognized by The Financial Times, which shortlisted him for its top prize in "Social Justice and the Rule of Law."

Joshua leads Selendy & Gay's Wellbeing Initiative and serves on the New York City Bar Association's Lawyer Assistance Program. Both programs provide critical resources and support to those struggling with mental health issues.

Representative Matters

- *AIG v Bank of America, N.A.*: Represented AIG in multi-billion dollar claims against Wall Street sponsors of residential mortgage-backed securities, achieving public settlement of Bank of America suit for \$650 million and successful confidential resolutions of additional claims.
- *Alix v. McKinsey & Co.*: Representing McKinsey & Co., a worldwide management consulting firm, against claims by Jay Alix, founder of consulting firm AlixPartners, and Mar-Bow Partners, a company founded by Jay Alix, challenging McKinsey's Chapter 11 disclosures under Rule 2014.
- *Fortis Advisors v. J&J*: Representing former stockholders of the robotic medical devices company Auris Health in a \$2.3 billion dollar earn-out suit against Johnson & Johnson and its subsidiary Ethicon in the Delaware Court of Chancery, in an action centered around the acquiror's post-merger failures to achieve regulatory and net sales milestones.
- *Cerberus Capital Management v. The Canadian Imperial Bank of Commerce*: Representing private equity firm Cerberus Capital Management in a \$1.1 billion breach of contract action against the Canadian Imperial Bank of Commerce, one of Canada's largest banks. The dispute concerns multiple complex structured finance transactions backed by credit default swaps, CDOs, and RMBS.
- *Davis v. Scottish Re*: Represented MassMutual in corporate governance suit arising out of its investment in Scottish Re, twice achieving dismissal of all claims with both rulings successfully upheld on appeal.
- *U.S. Bank v. Merrill Lynch Mortgage Lending Inc.*: Representing U.S. Bank as trustee and investors in seeking recovery for Merrill Lynch's breaches of representations and warranties.

- *ResCap bankruptcy litigation*: Represented Rescap bankruptcy trust in suits against dozens of loan originators for indemnity and breaches of contract, achieving settlements to date of \$590 million.
- *Ambac Military Housing Litigation*: Represented Ambac in seven lawsuits pending across the country arising from Ambac's provision of financial guaranty insurance to various military housing projects.
- An educational institution in New York City in the internal investigation of a possibly racially motivated incident.
- A medical device company subject to a U.S. Department of Justice investigation related to insurance reimbursement claims it submitted on behalf of customers covered by federal employee health plans.
- An automotive parts leasing company in a post-merger investigation of potential inappropriate conduct in the workplace.
- A key individual in an on-going investigation of alleged campaign finance violations.

Public Interest Litigation

Anticipating that the Covid-19 pandemic would lead to an unprecedented number of new absentee voters, he led a team, along with Campaign Legal Center and League of Women Voters, that filed a lawsuit urging a change in New York's absentee ballot verification requirements in time for the 2020 General Election. Joshua's work helped secure passage of a bill by the New York State Senate – which was signed into law by Governor Cuomo – that gave voters an opportunity to resolve challenges to their absentee ballots by providing notice if their ballot was in danger of rejection.

Additionally, Joshua recently represented clean energy advocacy group Vote Solar before the State of Utah Public Service Commission to determine the value customer generators receive for exporting solar energy to the power grid. The Commission ruled in favor of an export credit significantly above Rocky Mountain Power's proposed rate, which, if approved, would have ceased all residential solar development in Utah.

Affiliations & Community Involvement

Joshua earned his J.D. from New York University School of Law, where he was on the Dean's List. He clerked for Chancellor William B. Chandler and Vice-Chancellor John W. Noble of the Delaware Court of Chancery.



Jennifer Selendy

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Jennifer Selendy is a founding and managing partner of Selendy & Gay.

Jennifer's leadership has been recognized by Corporate Counsel, which named her 2020's "Managing Partner of the Year," and the New York Law Journal, which lists her among 2020's "Distinguished Leaders."

A seasoned trial and appellate lawyer, she is recognized as a "Litigation Star" by Benchmark Litigation, one of the "Leading Plaintiff Financial Lawyers in America" by Lawdragon, and noted for her skill in complex commercial litigation by The Legal 500. Crain's also named her one of the "100 Notable Women in Law."

In addition to representing plaintiffs in high-stakes disputes, Jennifer also specializes in complex defense work and is frequently tapped for sensitive internal and governmental investigations into antitrust, financial misconduct, and employment-related matters. She has represented private equity and investment companies in precedent-setting litigation, represents renewable energy companies and related interests in cutting edge litigation aimed at protecting competition in power generation for the benefit of consumers, and has extensive expertise in RICO, bankruptcy, domestic and international arbitration, and cross-border disputes.

Representative Matters

- *Jay Alix v. McKinsey & Co.*: Representing McKinsey & Co. against claims by Jay Alix, founder of consulting firm AlixPartners, and Mar-Bow Partners challenging McKinsey's Chapter 11 disclosures under Rule 2014. Jennifer and her team achieved a significant victory when the Southern District of New York dismissed RICO claims against McKinsey in their entirety, with prejudice.
- *Mar-Bow Value Partners LLC v. McKinsey & Co.*: In the matter of Alpha Natural Resources, successfully achieving, despite a relentless campaign, a ruling in federal bankruptcy court in Richmond, VA that Jay Alix's Mar-Bow Partners does not have standing to be heard on its ongoing conflict-of-interest dispute in relation to Alpha Natural Resources, a bankruptcy coal miner.
- *Marshall Broadcasting Group, Inc. v. Nexstar Broadcasting, Inc.*: Currently representing Nexstar Broadcasting Inc., one of the largest television station operators in the United States, in a chapter 11 case concerning several television stations sold to Marshall Broadcasting Group (MBG), past payments owed to Nexstar for services, and the ability of MBG to reject contracts as part of its restructuring.
- *National Public Finance Guarantee Corp. v. UBS Financial Services Inc.*: Currently representing National Public Finance Guarantee and MBIA in a lawsuit to hold eight major Wall Street banks accountable for inequitable conduct that contributed to Puerto Rico's economic collapse. Plaintiffs in this case are bond insurers that have been presented with, and fully honored, over \$1 billion dollars in claims after the municipal debt underwritten by the banks— without proper due diligence or disclosures— became unsustainable for Puerto Rico and its agencies, leading to massive defaults.
- *Discover Financial Services v. Visa*: Led the prosecution of a complex antitrust suit against Visa and MasterCard that settled on the eve of trial in favor of her client for \$2.75 billion. She currently represents Discover's debit affiliation Pulse Network LLC in a debit monopolization case against Visa.

- *Trilantic Capital Partners IV v. UFCW Int'l Union Ind. Pension Fund*: Representing a private equity company in a declaratory judgment action challenging the pension fund's assertions of ERISA withdrawal liability against a private equity investor.

Jennifer maintains an active public interest practice, focusing on poverty and women's rights, climate change, and education. In *Thompson v. MacDonald*, she served as lead trial counsel and won an injunction against the State of Maryland mandating delivery of federal benefits and services to indigent children and families; for this result, she received the Pro Bono Service Award from the Homeless Persons Representation Project of Baltimore.

Affiliations & Community Involvement

Jennifer received her law degree, *cum laude*, from Harvard Law School after completing an M.Phil. in International Relations at Oxford (St. Antony's) as a Marshall Scholar. Since 2012, she has served as the board chairman for the National Center for Law & Economic Justice. Jennifer is also the co-founder and board chairman of The Speyer Legacy School, an independent K-8 school for gifted children that focuses on identifying and educating low-income, high-achieving children in New York City.



Philippe Selendy

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Philippe Selendy is a founding partner of Selendy & Gay.

Heralded as “[The Man Who Took on Wall Street](#)” by the Financial Times, Philippe has recovered more than \$35 billion for clients in the last decade alone. These successes include an unprecedented \$25 billion settlement for U.S. taxpayers stemming from residential mortgage-backed securities suits brought against the world’s largest banks, a representation which earned Philippe The American Lawyer’s “[Litigator of the Year](#)” award and first-ever Grand Prize in Litigation.

Named one of the nation’s top 100 trial lawyers by Benchmark Litigation, an “exceptionally talented” securities litigator by Chambers & Partners and a “Trailblazer” (twice) by the National Law Journal, Philippe has over 25 years of experience in [complex commercial litigation](#) with particular expertise in [securities](#), financial products, insurance, energy, and [antitrust](#) disputes. He is also routinely sought after to represent clients in [domestic and international arbitrations](#) and high-stakes public sector litigations.

Representative Matters

Recognized as a “Securities MVP,” “Banking MVP” (Law360), and a “Leading Lawyer in Securities Plaintiff Litigation” (Legal 500), Philippe has secured landmark trial and appellate victories on behalf of both plaintiffs and defendants.

- *Federal Housing Finance Agency*: As lead counsel for FHFA, Philippe helmed a seven-year litigation effort for FHFA across its entire platform of residential mortgage-backed securities (RMBS) litigation, obtaining \$25 billion in recoveries for U.S. taxpayers in suits against Bank of America, Barclays, Citigroup, Credit Suisse, Countrywide, Deutsche Bank, First Horizon, Goldman Sachs, HSBC, JPMorgan, Merrill Lynch, Nomura, RBS, and UBS. The only two banks that elected to go to trial, rather than settle, lost on all claims in a further \$830 million win for the U.S. after a one-month trial involving over 40 witnesses, including a dozen experts. The court’s 361-page decision shone a harsh spotlight on industry-standard practices in the period leading to the Great Recession. The court’s judgment that “the magnitude of falsity, conservatively estimated, was enormous,” was unanimously affirmed by the Second Circuit.
- *National Public Finance Guarantee & MBIA*: Philippe currently leads the representation of National Public Finance Guarantee and MBIA in a lawsuit to hold eight major Wall Street banks accountable for inequitable conduct that contributed to Puerto Rico’s economic collapse. Plaintiffs in this case are bond insurers that have been presented with, and fully honored, over \$1 billion dollars in claims after the municipal debt underwritten by the banks— without proper due diligence or disclosures— became unsustainable for Puerto Rico and its agencies, leading to massive defaults.
- *Cerberus Capital Management, L.P.*: Philippe currently represents private equity firm Cerberus Capital Management in a \$1.1 billion breach of contract action against the Canadian Imperial Bank of Commerce (CIBC), one of Canada’s largest banks. The dispute centers on two complex structured finance transactions backed by credit default swaps, CDOs, and RMBS. Philippe argued a successful appeal in which the First Department agreed with Cerberus’s interpretation of the agreements and held that CIBC’s contrary interpretation was “unmoored” from the contracts. The case is now proceeding through discovery.

- *Fortis Advisors*: Philippe represents the former stockholders of the robotic medical devices company Auris Health in a \$2.3 billion dollar earn-out suit against Johnson & Johnson and its subsidiary Ethicon in the Delaware Court of Chancery, in an action centered around the acquiror's post-merger failures to achieve regulatory and net sales milestones.
- *MBIA*: As lead counsel for monoline insurer MBIA against Bank of America, Countrywide, and related entities in a litigation arising out of securitization insurance, Philippe obtained a series of rulings, including at summary judgment, that set the basic framework for RMBS litigation nationwide, ultimately allowing MBIA to survive as a going concern and to achieve a multi-billion dollar settlement, including the commutation of over \$7 billion in swaps.
- *U.S. Bank*: Philippe argued and led a successful appeal to the Court of Appeals on behalf of U.S. Bank, as trustee of a RMBS trust, establishing that plaintiffs are entitled to correct fatal errors regarding procedural conditions precedent even after the expiration of statutes of limitations. Philippe currently represents the trust in its ABSHE RMBS contract action against DLJ in remand, seeking hundreds of millions of dollars in damages.
- *Crypto Assets*: Philippe presently co-leads multiple class actions in this sector. He represents investors in 11 separate class actions filed in April 2020 against major crypto-asset exchanges and digital token issuers, based on claims of alleged violations of federal and state securities laws through the offering or sale of billions of dollars of unregistered securities. Philippe also represents a class of crypto investors asserting market manipulation, antitrust, and other claims involving the purported stablecoin Tether.
- *Kingate Global Fund and Kingate Euro Fund*: Philippe represents Kingate in the defense of claims brought by Deutsche Bank Securities Inc. relating to DBSI's alleged purchase of more than \$1.6 billion of Kingate claims against the Madoff estate.
- *Vote Solar*: Philippe represents alternative energy provider Vote Solar in an ongoing matter before the State of Utah Public Service Commission to determine the value of solar energy.
- *North Atlantic Refinery Limited*: Philippe led a team in an international arbitration against BP regarding an exclusive supply agreement. He developed critical counterclaims and won core rulings on contract interpretation that transformed the nature of the action, leading to a highly favorable outcome for his clients.
- *Other Environmental Litigations*: Partnering with the NRDC, Philippe obtained a landmark trial victory in a precedent-setting methylmercury pollution case under the Resource Conservation and Recovery Act.

Affiliations & Community Involvement

A supporter of advanced renewable energy technologies, Philippe serves on Vote Solar's Leadership Council. He is a founding supporter of the independent Speyer Legacy School, and a board member of IQ Squared. Philippe sits on the New York City Bar Association's Securities Litigation Committee.



Oscar Shine

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Oscar Shine is a litigator with experience in complex commercial disputes, internal investigations, and government enforcement matters.

Oscar has represented clients in labor and employment disputes, securities class actions, and multidistrict products liability litigations. He has also represented prominent corporations in regulatory investigations before the Securities and Exchange Commission, the Commodity Futures Trading Commission, and several state attorneys general. Oscar served on Google's communications staff in the Asia-Pacific region and has worked on matters involving Chinese law.

Representative Matters

- *Crypto-asset investors*: Representing investors in 12 separate class actions filed in the Southern District of New York against major crypto-asset exchanges and digital token issuers, based on claims of alleged violations of federal and state securities laws through the offering or sale of billions of dollars of unregistered securities. Oscar also represents a putative class of cryptocurrency investors alleging that defendants falsely represented that tether, a purported "stablecoin," was fully backed by U.S. dollars as part of a market-manipulation scheme that inflated the price of Bitcoin and other cryptocurrencies, costing investors hundreds of billions of dollars.
- *Cerberus Capital Management, L.P.*: Currently representing private equity firm Cerberus Capital Management in a \$950 million breach of contract action against the Canadian Imperial Bank of Commerce, one of Canada's largest banks. The dispute centers on two complex structured finance transactions backed by credit default swaps, CDOs and RMBS.
- *AMERRA Capital Management*: In New York Supreme Court, representing subordinated lender AMERRA Capital Management defending against senior lenders' fraud and breach of contract claims seeking over \$360 million in damages.
- *Successfully represented a CEO in an employment dispute*. Obtained a seven-figure settlement without having to initiate litigation.
- *Successfully represented a startup founder in an earnout dispute*. Obtained a seven-figure settlement for the founder of a startup, without having to initiate litigation, in a dispute involving "earn out" provisions of an acquisition agreement. Later represented the founder in matters involving a noncompete agreement.

In his public interest practice, Oscar has represented indigent defendants facing criminal charges in federal court. At the height of the Covid-19 outbreak, he worked with the ACLU to assert a class action habeas petition seeking the temporary release of all medically vulnerable people incarcerated at a federal prison in New Jersey. Oscar also acted as trial counsel in the Eastern District of New York on behalf of an airline passenger alleging racial and national-origin discrimination against the airline.



Mitchell Nobel

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Mitchell Nobel is a litigator with experience in complex commercial and securities litigation, including a focus in litigations related to crypto-assets. His clients include creators of crypto-assets, classes of investors in digital assets and their derivatives, hedge funds, monoline insurers, and energy companies.

Representative Matters

Mitchell has represented clients in high-stakes disputes including:

- A class of investors alleging a market manipulation conspiracy involving the stablecoin “Tether”;
- A class of investors asserting manipulation of the crypto-derivatives offered by BitMEX;
- A group of solar energy providers in their appeal against state regulators before the Ninth Circuit;
- An individual alleging police brutality and false arrest, obtaining a favorable settlement.



Katya Stynes

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Katya Stynes works on a broad range of complex litigation matters.

Katya earned her J.D. from Yale Law School, where she was an Editor of the Yale Law Journal. Prior to law school, Katya earned her Ph.D. in Analytic Philosophy from Massachusetts Institute of Technology.



Hannah Belitz

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Hannah Belitz works on a wide range of complex litigation matters.

Hannah earned her J.D. from Harvard Law School, where she was the co-editor-in-chief of the Harvard Human Rights Journal. Hannah was a Frederick Sheldon Traveling Fellow and a Fulbright Scholar in the year following law school.

Prior to joining Selendy & Gay, Hannah clerked for the Honorable Ronald Lee Gilman in the U.S. Court of Appeals for the Sixth Circuit and the Honorable Uzi Vogelman in the Supreme Court of Israel.



David Coon

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David A. Coon is a litigator with experience in complex commercial litigation, appeals, and regulatory and enforcement investigations.

David earned his J.D. *cum laude* from Harvard Law School, where he was a senior editor of the Harvard Business Law Review and represented indigent criminal defendants in the Criminal Justice Institute clinic. David served as a law clerk for the Honorable Dennis Jacobs of the United States Court of Appeals for the Second Circuit. Before law school, he was an analyst at a major financial services institution in New York.



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Youzhihang Deng works on a wide range of complex litigation matters.

Youzhihang earned his J.D., *cum laude* from Harvard Law School, where he was Congress Editor for the Harvard Journal on Legislation. In law school, he was part of the Harvard Defenders where he represented indigent criminal defendants as a student attorney.

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